

Message Text

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PAGE 01 NEW DE 90068 250907Z
ACTION NEA-10

INFO OCT-01 ISO-00 L-03 JUSE-00 EB-07 TRSE-00 SP-02
SS-15 CIAE-00 INR-07 NSAE-00 COME-00 DODE-00 PM-04
/049 W

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P 250809Z JUN 77

FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC PRIORITY 4318

C O N F I D E N T I A L NEW DELHI 90068

FOR KUX, NEA/INS FROM SCHNEIDER

E. O. 11652: GDS

TAGS: EAIR, ETRD, US, IN

SUBJECT: GOI INTEREST IN OBTAINING INFORMATION RELEVANT TO
BOEING INVESTIGATION

REF: STATE 145281

1. WE TRANSMITTED THE INFORMATION IN REFTEL TO THE FOREIGN
SECRETARY IN WRITING AND HAVE RECEIVED THE FOLLOWING REPLY:
QUOTE I WOULD LIKE TO CLARIFY THAT IT WAS NOT OUR INTENTION
THAT THE JUSTICE DEPARTMENT SHOULD PROVIDE INFORMATION TO
AGENCIES WHICH ARE NOT LAW ENFORCEMENT AGENCIES. OUR PERUSAL
OF THE AGREEMENT SIGNED BY THE U. S. GOVERNMENT WITH FEDERAL
REPUBLIC OF GERMANY AND JAPAN ON THE LOCKHEED MATTER LEFT US
IN SOME DOUBT AS TO WHETHER THE INFORMATION WHICH IS RECEIVED
BY OUR LAW ENFORCEMENT AGENCIES PURSUANT TO THE SIGNING OF
A FORMAL AGREEMENT FOR EXCHANGE OF INFORMATION CAN BE PASSED
ON TO COMMISSIONS OF INQUIRY FOR ENABLING THE LATTER TO FULLY
CARRY OUT THE RESPONSIBILITIES ENTRUSTED TO THEM. WE
PREFERRED NOT TO HAVE ANY AMBIGUITY IN THIS MATTER BECAUSE
IT WAS OUT VIEW THAT IF COMMISSIONS OF INQUIRY ALREADY AP-
POINTED OR OTHERS SO APPOINTED IN FUTURE REQUIRE ANY OF THE
INFORMATION EXCHANGED TO CARRY OUT THEIR FUNCTIONS, IT WOULD
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BE NECESSARY FOR US TO ENSURE THAT LAW ENFORCEMENT AGENCIES
ARE NOT INHIBITED IN PROVIDING SUCH INFORMATION TO SUCH
COMMISSIONS OF INQUIRY.

I MAY CONFIRM THAT IT IS NOT OUR INTENTION THAT THE DEPARTMENT
OF JUSTICE SHOULD PROVIDE AN INFORMATION DIRECTLY TO COM-
MISSIONS OF INQUIRY. WE WOULD MERELY LIKE TO ENSURE THAT

SHOULD THE LAW ENFORCEMENT AGENCY FEEL THAT THE INFORMATION MADE
MADE AVAILABLE TO IT IS PERTINENT TO THE PROCEEDINGS OF A
COMMISSION ON INQUIRY, THE AGENCY SHOULD NOT BE INHIBITED FROM
PROVIDING INFORMATION OBTAINED TO SUCH A COMMISSION. AS YOU
ARE AWARE, A COMMISSION OF INQUIRY HAS POWERS, IN RESPECT OF
MANY MATTERS LIKE RECEIVING OF EVIDENCE, SUMMONING WITNESSES,
REQUISITIONING RECORDS, ETC. SIMILAR TO THAT OF A CIVIL COURT IN
INDIA AND ITS FINDINGS CAN LEAD TO SUBSEQUENT PROSECUTION.
THOUGH A COMMISSION OF INQUIRY DOES NOT HAVE DIRECT PROSECUTORIAL
RESPONSIBILITIES, IT CAN, HOWEVER, RECOMMEND PROSECUTION
ON THE BASIS OF ITS FINDINGS.

IN VIEW OF THE ABOVE, I WOULD LIKE TO CLARIFY THAT FROM THE
POINT OF VIEW OF OUR PROCEDURES AT PRESENT IN VOGUE, WE WOULD
BE REQUIRED TO ENSURE THAT OUR LAW ENFORCEMENT AGENCIES
SHOULD NOT, UNDER THE TERMS OF THE AGREEMENT, BE INHIBITED
FROM PROVIDING INFORMATION OBTAINED TO COMMISSIONS OF INQUIRY.
I WOULD BE GRATEFUL IF YOU COULD HAVE THE MATTER TAKEN UP
URGENTLY WITH THE DEPARTMENT OF JUSTICE IN THE LIGHT OF
THE FOREGOING SO THAT FURTHER STEPS CAN BE TAKEN TO EXPEDITIOUS-
LY CONSIDER FINALISING A FORMAL AGREEMENT ON THE SUBJECT.
END QUOTE.

2. AS YOU CAN SEE, THE GOI PROBLEM IS THAT THE INFORMATION,
IF IT IS TO BE OF VALUE, MUST BE MADE AVAILABLE TO THE INQUIRY
COMMISSIONS WHICH WILL CONDUCT THEIR INQUIRIES AND THEN
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MAKE RECOMMENDATIONS REGARDING PROSECUTION. CAN A WAY BE
FOUND IN WHICH THE INFORMATION CAN BE PROVIDED TO THE HOME
MINISTRY WHICH CAN THEN MAKE IT AVAILABLE TO THE COMMISSIONS?
GOHEEN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BRIBERY, INFORMATION EXCHANGE, INVESTIGATIONS, AIRCRAFT SALES
Control Number: n/a
Copy: SINGLE
Sent Date: 25-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977NEWDE90068
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770228-0181
Format: TEL
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770618/aaaaapqb.tel
Line Count: 98
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 71d57e76-c288-dd11-92da-001cc4696bcc
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Original Classification: CONFIDENTIAL
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Original Previous Handling Restrictions: n/a
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Reference: 77 STATE 145281
Retention: 0
Review Action: RELEASED, APPROVED
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Review Date: 07-Apr-2005 12:00:00 am
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Review Exemptions: n/a
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Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2031528
Secure: OPEN
Status: NATIVE
Subject: GOI INTEREST IN OBTAINING INFORMATION RELEVANT TO BOEING INVESTIGATION
TAGS: EAIR, ETRD, US, IN, BOEING
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/71d57e76-c288-dd11-92da-001cc4696bcc
Review Markings:
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